

REMARKS

Upon entry of the present amendment, claims 1-13 will have been canceled and claims 14-32 will have been submitted for consideration by the Examiner. The amendment of the claims is merely made in order to clarify the features of Applicants invention and has not been made in view of the prior art. Accordingly, no prosecution history estoppel should attach thereto.

In view of the herein contained newly submitted claims and the following remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding rejections set forth in the above-mentioned Official Action. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicants wish to respectfully thank the Examiner for acknowledging Applicants Claim for Foreign Priority under 35 U.S.C. § 119 as well as for confirming receipt of the foreign priority document. Applicants further wish to respectfully thank the Examiner for considering the documents cited in the Information Disclosure Statement filed in the present application on November 20, 2001.

In the outstanding Official Action, the Examiner objected to the Abstract of the Disclosure because of a typographical error. The Examiner further objected to claims 3 and 12 because of noted informalities. By the present Response, Applicants have submitted a new Abstract which is free from typographic errors. Applicants have further canceled all the claims and submitted new claims for consideration by the Examiner. In submitting the new claims, Applicants have ensured that the enumerated informalities have been eliminated. The Examiner is respectfully thanked for bringing these matters to Applicants attention.

The Examiner provisionally rejected claims 1-13 under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 7, 9, 11 and 12 of co-pending Application No. 10/034,372. The Examiner admitted that the conflicting claims are not identical, but nevertheless asserted that they are not patentably distinct from each other. The Examiner asserted that the claims in both applications are directed to the same concept, i.e., controlling communication between an IFAX and groupware. The Examiner further asserted that the claim language contains similar limitations. Applicants respectfully traverse the above rejection and submit that it is inappropriate.

In particular, Applicants note that claim 7 of Application No. 10/034,372 recites a second communicator that transmits an e-mail to which scanned image data is attached. Claim 7 further recites a controller that receives an e-mail address of a recipient and converts the e-mail address into URL data. Claim 9 of Application No. 10/034,372 recites a controller configured to convert received URL data into an e-mail address, to receive HTML data, to convert the received HTML data into e-mail data as well as to transmit the e-mail data without intervention of a user. None of these features are recited in the claims pending in the present application.

On the other hand, claim 14 of the present application recites an SMTP processor and an HTTP processor. Additionally, claim 14 recites a processor that produces command data for the server based on the e-mail data received from the Internet facsimile apparatus. Neither of these features is recited in any of the claims of Application No. 10/034,372.

P20745.A05

Claim 23 of the present application recites a POP3 processor and an e-mail communicator that transmits image data to the Internet facsimile under the control of the POP3 processor. Neither of these features are recited in the claims of Application No. 10/034,372.

Accordingly, the Examiner's assertions that both claims contain limitations that are similar is traversed at least insofar as the claims of both applications contain significant limitations that are not similar. Moreover, as is apparent, the differences in the claims are significantly more than the mere omission of an element and its function.

Accordingly, it is respectfully submitted that the judicially created doctrine of obviousness type double patenting rejection set forth by the Examiner is inappropriate. Accordingly, reconsideration and withdrawal of the outstanding rejection is respectfully requested.

The Examiner rejected claims 1-5 and 12 under 35 U.S.C. § 102(e) as being anticipated by PIERSON et al. In setting forth the rejection, the Examiner asserted that with respect to claims 1 and 12, PIERSON et al. teaches a system for capturing facsimile data in an electronic document management system and cited paragraphs [0026], [0030], [0042], [0052], and [0059], which, according to the Examiner, "disclose explicitly and inherently" all of the concepts and elements of the claim limitations.

It is respectfully submitted that the Examiner is incorrect and that PIERSON et al. does not disclose the combinations of features recited in Applicants claims. In particular, Applicants note that PIERSON et al. does not disclose at least a processor as recited in Applicants claim 14, in the claimed combination. In this regard, Applicants note that the processor of claim 14 is recited to produce command data for the server

P20745.A05

based upon the e-mail data received from the Internet facsimile apparatus. It is respectfully submitted that PIERSOL et al. does not disclose at least this feature, in the claimed combination. In particular, none of the paragraphs cited by the Examiner disclose, teach, nor render obvious at least the above-noted feature of Applicants claimed combinations.

In this regard, paragraph [0026] merely describes the nature of the facsimile machine 121, the network 122 and how the facsimile machine 120 communicates over the network 122. In this regard, Applicants note that PIERSOL et al. discloses that the facsimile machine 120 communicates over the networks using various Internet protocols as noted therein. However, Applicants invention is not directed to Internet protocols but is directed, inter alia, to the production of command data from the e-mail data received from the Internet facsimile apparatus.

Paragraph [0030] relates to the file management appliance 150 and discloses that it is "equipped to publish its presence to other devices on network 100 using various protocols including the HTTP protocol". Again, although Applicants invention relates to HTTP processing, Applicants invention is not directly related to HTTP protocols but to the production of command data as previously noted in the claimed combination.

Paragraph [0042] relates to the use of HTTP as a capture protocol. PIERSOL et al. discloses that files of various formats may be captured by the file management appliance. Such formats can include archived formats which may contain collections of distinct name data files or data blocks, as enumerated therein.

Paragraph [0052] relates to the communication unit of the facsimile machine 620 and the various interfaces included therein. These interfaces are disclosed to enable

P20745.A05

the facsimile machine 620 to communicate over networks using multiple network and data transfer protocols as enumerated therein.

Paragraph [0059] relates to transmitting data across various networks and the encapsulation of data according to some encapsulation protocol. Various known network data encapsulation protocols are noted. Nevertheless, and as noted previously, none of these portions of PIER SOL et al. relate to the production of command data as recited in Applicants claims. These portions of PIER SOL et al. relate to protocols which are different than command data which controls the server.

Accordingly, it is clear that Applicants claims are clearly patentable over the references relied upon by the Examiner and an action to such effect is respectfully requested, in due course.

With respect to the features of claims 4 and 5 (i.e., an encryption processing section and an IC card and slot), the Examiner relies upon paragraph [0048], lines 20-27. However, paragraph [0048] relates to document ownership and does not mention decryption, an encryption, IC card or a slot into which an IC key is insertable. Accordingly, if the Examiner persists in asserting that these features, as currently recited in claims 20, 21, 27 and 28, are disclosed by PIER SOL et al., the Examiner is respectfully requested to explicitly cite the appropriate sections of PIER SOL et al. in which these features are disclosed.

In view of the above, Applicants respectfully submit that all of Applicants pending claims are clearly in condition for allowance. In particular, PIER SOL et al. does not disclose the combination of features recited in the various claimed combinations set forth in Applicants claims. In this regard, not only does PIER SOL et al. not anticipate

P20745.A05

the claims of the present application, but PIERSOL et al. does not contain a disclosure that is adequate or sufficient to render Applicants claims unpatentable under 35 U.S.C. § 103.

Accordingly, Applicants respectfully request reconsideration of each of the outstanding rejections and an indication of the allowability of all the claims pending in the present application, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have canceled the Abstract and the pending claims and have submitted a new Abstract and new claims for consideration by the Examiner. The newly submitted claims have been submitted in order to clarify the features of Applicants invention but not in view of the prior art of record herein.

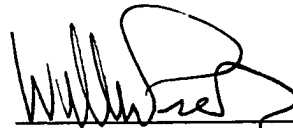
Applicants have described the present invention and have pointed out the features recited in the pending claims that are not disclosed by the references of record. Applicants have also discussed the disclosure of the cited references of record and have pointed out the significant and substantial shortcomings thereof with respect to the features of Applicants claims. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

The newly submitted claims which have been submitted in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

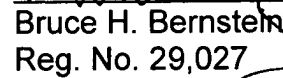
P20745.A05

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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